

January 25, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

*Appeal*

Name of Petitioner: William K. Lane  
Date of Filing: January 10, 2007  
Case Number: TFA-0183

On January 10, 2007, William K. Lane (the Appellant), filed an Appeal from a final determination that the Oak Ridge Operations Office (Oak Ridge) of the Department of Energy (DOE) issued on December 18, 2006. That determination concerned a request for information submitted by the Appellant pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the DOE in 10 C.F.R. Part 1004. If the present Appeal were granted, Oak Ridge would be required to conduct a further search for responsive documents.

*Background*

On June 14, 2006, the Appellant submitted a FOIA request for all documents on George Alexander Lane, his father, who worked for E. I. duPont De Nemours at Oak Ridge during World War II. He provided his father's approximate year of birth and the year of his death to aid the search. On December 18, 2006, Oak Ridge responded that the search of the files of Oak Ridge and its contractor and facility site located only George Alexander Lane's personnel clearance data card. Determination Letter dated December 18, 2006, from Amy Rothrock, Authorizing Official, Oak Ridge, to William K. Lane. On January 10, 2007, the Appellant appealed that determination to our Office. Appeal Letter dated December 30, 2006, from William K. Lane, to Director, Office of Hearings and Appeals (OHA), DOE. In the Appeal, the Appellant asks that more information be located. *Id.*

*Analysis*

In responding to a request for information filed under the FOIA, it is well established that an agency must "conduct a search reasonably calculated to uncover all relevant documents." *Truitt v. Department of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). "The standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials." *Miller v. Department of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. We have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate. *See, e.g., Glen Bowers*, 29 DOE ¶ 80,240, Case No. TFA-0138 (January 9, 2006); *Doris M. Harthun*, 28 DOE ¶ 80,282, Case No. TFA-0015 (April 8, 2003).

We have contacted Oak Ridge in response to the Appellant's request to determine what type of search was conducted. Unfortunately, the Appellant does not know his father's social security number, an important tool for searching through personnel records at Oak Ridge. The DOE Records Holding Area, which stores Oak Ridge's archived records, performed a computer database search and a manual search for records about the Appellant's father. For former employees who worked for contractors and subcontractors in the 1940's during the Manhattan Project, it is not unusual to find only a copy of the person's personnel clearance data card. Electronic Mail Message sent January 11, 2007, from Leah Ann Schmidlin, Oak Ridge, to Janet Fishman, OHA. This was found and provided to the Appellant. For the most part, contractors at Oak Ridge in the 1940s retained all personnel information other than the personnel clearance data card. Electronic Mail Message sent January 22, 2007 from Leah Ann Schmidlin, Oak Ridge, to Janet Fishman, OHA. Therefore, it is possible that information may be in the possession of E. I. duPont De Nemours, the Appellant's father's employer. Oak Ridge also stated that it is very difficult to locate any documentation about an individual without that person's social security number.<sup>\*/</sup> *Id.*

Based on the search that Oak Ridge performed, we are convinced that it followed procedures which were reasonably calculated to uncover the material sought by the Appellant in his request. Accordingly, the Appeal should be denied.

It Is Therefore Ordered That:

- (1) The Appeal filed by William K. Lane, on January 10, 2007, Case No. TFA-0183, is hereby denied.
- (2) This is a final Order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provision of 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district where the requester resides or has a principal place of business or in which the agency records are situated or in the District of Columbia.

William M. Schwartz  
Senior FOIA Official  
Office of Hearings and Appeals

Date: January 25, 2007

---

<sup>\*/</sup>Oak Ridge indicated to us that it attempted to find a social security number for the Appellant's father. It searched a database that could possibly have contained social security numbers of people who had died. Oak Ridge was unsuccessful in finding the number. Electronic Mail Message sent January 11, 2007, from Leah Ann Schmidlin, Oak Ridge, to Janet Fishman, OHA.